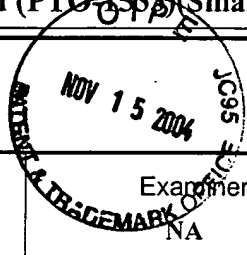


Transmitted Cover Sheet(s) for Notice to File Missing Parts

<b>Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533) (Small Entity)</b>	Docket No. (MM) 54 358
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In Re Application Of: Scherzinger



Application No. 10/713,466	Filing Date 11/14/2003	Examiner NA	Customer No.	Group Art Unit 2856	Confirmation No.
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Invention: Measurement Probe, in Particular for an Apparatus for Measurement of the Thickness of Thin Layer

11/16/2004 FFANAI2 00000035 10713466

01 FC:2251 55.00 OP

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on 08/09/2004  
Date

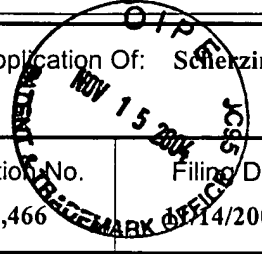
Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- \_\_\_\_\_ verified small entity declaration(s)
  - is/are attached.
  - was/were filed on \_\_\_\_\_
- A separate request for refund.
- Other (list):

Assignment with Recordation Cover Sheet with Assignment and PTO 2038 for recordation fee  
 Additional page for Deposit Account  
 Priority Document DE 103 48 652.6  
 First Class Mailing Certification  
 Acknowledgement Postcard  
 Transmittal Cover Sheet (THIS SHEET + 2 PAGES)

*Diary*

<b>Response To Notice To File Missing Parts Of Application</b> <b>Filing Date Granted (PTO-1533) (Small Entity)</b>					Docket No. (MM) 54 358	
In Re Application Of: Scherzinger						
Application No. 10/713,466	Filing Date 11/14/2003	Examiner NA	Customer No.	Group Art Unit 2856	Confirmation No.	



Invention: Measurement Probe, in Particular for an Apparatus for Measurement of the Thickness of Thin Layer

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of \$120.00 is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 11-0665
- Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*M. Robert Kestenbaum*

Signature

Dated: 11/09/2004

M. Robert Kestenbaum  
 Reg. No. 20,430  
 11011 Bermuda Dunes NE  
 Albuquerque, NM, USA 87111  
 Phone: (505) 323-0771  
 Fax: (505) 323-0865

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 11/09/2004 (Date) <i>M. Robert Kestenbaum</i> Signature of Person Mailing Correspondence M. Robert Kestenbaum Typed or Printed Name of Person Mailing Correspondence
---

cc:

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
(MM) 54 358

In Re Application Of: Scherzinger

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/713,466	11/14/2003	NA		2856	

Invention: Measurement Probe, in Particular for an Apparatus for Measurement of the Thickness of Thin Layer

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

- Completion of application fees as calculated below:
- Utility application filing fee \_\_\_\_\_
  - Design application filing fee \_\_\_\_\_
  - Total number of independent claims = \_\_\_\_\_
  - Total number of claims = \_\_\_\_\_
  - Multiple dependent claims \_\_\_\_\_
  - Surcharge for late payment of filing fee and/or late filing of original declaration or oath \$65.00
  - Petition and fee for filing by other than all the inventors or a person not the inventor \_\_\_\_\_
  - Fee for processing an application filed with a non-English language specification \_\_\_\_\_
  - Fee for processing and retention of application \_\_\_\_\_
- Total completion of application fees \$65.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

- One month     Two months     Three months     Four months     Five months

from: 10/09/2004 Date until: 11/09/2004 Date

Total time extension fees \$55.00  
Total fees due \$120.00

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
(MM) 54 358

In Re Application Of: Scherzinger

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/713,466	11/14/2003	NA		2856	

Invention: Measurement Probe, in Particular for an Apparatus for Measurement of the Thickness of Thin Layer

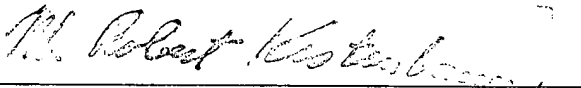
TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of \$120.00 is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 11-0665
- Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
Signature

Dated: 11/09/2004

M. Robert Kestenbaum  
Reg. No. 20,430  
11011 Bermuda Dunes NE  
Albuquerque, NM, USA 87111  
Phone: (505) 323-0771  
Fax: (505) 323-0865

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

11/09/2004

(Date)

  
Signature of Person Mailing Correspondence

M. Robert Kestenbaum

Typed or Printed Name of Person Mailing Correspondence

CC:

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**Applicant(s): **Scherzinger and Kindler**

Docket No.

**(MM) 34 358**

Application No.

**10/713,466**

Filing Date

**11/14/2003**

Examiner

Customer No.

Group Art Unit

**2856**Invention: **Measurement Probe, in Particular for an Apparatus for Measurement of the Thickness of Thin Layers**

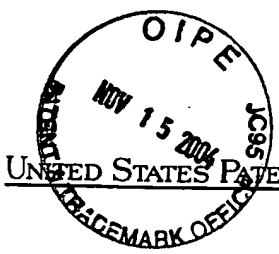
I hereby certify that this **Response to Notice to File Missing Parts, including Declaration and Assignment**  
*(Identify type of correspondence)*

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on  
11/09/2004  
*(Date)*

**M. Robert Kestenbaum***(Typed or Printed Name of Person Mailing Correspondence)*

*(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.****Enclosures:**

Copy of Notice to File Missing Parts  
 Executed Inventors' Declaration with Power of Attorney (3 pages)  
 Assignment Recordation Cover Sheet  
 Executed Assignment (2 pages) with PTO 2038 authorizing charging credit card for \$40 recordation fee  
 PTO 2038 authorizing charging a credit card for the late declaration surcharge and one month extension fee  
 Transmittal of Response to Notice to File Missing Parts (3 pages) with additional page for deposit account  
 Priority Document for DE103 48 652.6  
 Acknowledgement postcard certified for 11/9/2004  
 First Class Mailing Certification certified for 11/9/2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/713,466	11/14/2003		(MM) 54 358

M. Robert Kestenbaum  
11011 Bermuda Dunes NE  
Albuquerque, NM 87111

CONFIRMATION NO. 1922

FORMALITIES LETTER



\*OC000000013483963\*

Date Mailed: 08/09/2004

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/16/2004 FFANAI2 00000035 10713466

FILED UNDER 37 CFR 1.53(b)

02 FC:2051

65.00 OP

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The oath or declaration does not identify each inventor by full name, including the family name and at least one given name without abbreviation.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

**Items Required To Avoid Processing Delays:**

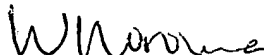
The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the residence (e.g., city and either state or foreign country) of each inventor.
- does not identify the complete mailing or post office address of each inventor.
- does not identify the citizenship of each inventor.
- does not state whether the inventor is a sole or joint inventor.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY